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RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 94-196

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]

1. Statutory Authority

The proposed rule permits a risk manager whose services have been contracted for by the Board of Governors for the Patients Compensation Fund and the Wisconsin Health Care Liability Insurance Plan to have access to “confidential claims information.” It prohibits the risk manager from disclosing to a third party any “confidential claims information” from a claim file to which it has access without the board’s express authorization.

If the board has records that include patient health care records subject to ss. 146.81 to 146.84, Stats., the patient health care records are confidential and can be released to any third party only in accordance with that law. Therefore, if the risk manager is permitted to obtain confidential claims information that includes any patient health care records, the board may expressly authorize disclosure to others by the risk manager only in accordance with ss. 146.81 to 146.84, Stats.